



TOWN OF PALM BEACH

MEMORANDUM

TO: Kirk W. Blouin, Director of Public Safety

VIA: Direct

FROM: Joseph Guelli, Lieutenant, Professional Standards Unit

SUBJECT: Professional Standards Case # 2017-01 Officer Jose Rodriguez

DATE: February 23, 2017

ASSIGNMENT AND BACKGROUND

On January 2, 2017 Director Blouin assigned me the task of conducting a Professional Standards Investigation of Officer Jose Rodriguez, regarding allegations brought forward by his former domestic partner, [REDACTED] [REDACTED] reported a number of allegations which, if proven true, would support a conclusion that Officer Rodriguez provided false information and misrepresentations on his employment application, made material omissions, and otherwise falsified documents supporting the application and background investigation.

Also, Officer Rodriguez disobeyed an order from me to appear for interrogation relating to this investigation. This offense has been added to the assignment.

STANDARDS OF CONDUCT

The standards of conduct which may have been violated, if the allegations are proven, are as follows:

Town of Palm Beach Employee Personnel Manual

Count 1

Section 6-6: CAUSES FOR DISCIPLINARY ACTION, INCLUDING DISCHARGE, SUSPENSION OR DEMOTION

Examples of conduct or offenses which constitute cause for discipline, including demotion, suspension and discharge are listed below. This list of conduct or offenses does not include every

possible offense. Other conduct or offenses may constitute cause for discipline. Departmental policy and procedure manuals may also include causes for which disciplinary action may be taken.

* * *

c. The employee has violated the provisions of this manual, departmental policy and procedures, the Town's Administrative Policies, the information Systems Security Policy, or any other approved rules and regulations of The Town of Palm Beach.

* * *

d. The employee has engaged in conduct unbecoming of an officer or employee of the Town either on or off duty.

e. The employee has failed to obey any proper and lawful order or directive given by a superior, or has otherwise been insubordinate.

* * *

k. The employee has falsified any document used with regards to the employee's application for employment, employee benefits, and/or any action affecting the employee's status or employment with the Town.

General Orders:

Count 2

Town of Palm Beach Police Dept. G.O. IV-4, III 49

49. Ethics (code of), public officers and employees- Police department personnel shall strictly adhere to the code of ethics for public officers and employees, and shall not violate the Code of Ethics for police officers and employees' Oath of Loyalty as set forth in Florida Law.

Count 3

Town of Palm Beach Police Dept. G.O. IV-4, III 54

54. Falsification, official documents- Police department personnel shall not falsify or knowingly cause another to falsify any official record or document.

Count 4

Town of Palm Beach Police Dept. G.O. IV-4, III 82

82. Orders, refusal to comply with direct order of a Superior-Police department personnel shall comply with the direct orders or instructions given by a supervisor or superior officer, and shall not refuse to comply when such orders or instructions are lawful and proper.

Count 6

Town of Palm Beach Police Dept. G.O. IV-4, III 109

109. Untruthfulness. Police department personnel shall not knowingly make false or untrue statements except as authorized in the performance of duties and as necessary for maintaining covert operations during investigation of criminal activities.

Count 7

Town of Palm Beach Police Dept. G.O. IV-4, III 110

110. Untruthfulness. Official proceeding (Not Under Oath)-Police department personnel shall not knowingly make false statements to a supervisor or to any official of a government agency during an official proceeding of a government agency even though such statements are not made under oath.

NOTICE OF COMPLAINT: (tab B)

On January 3, 2017 I met with Officer Jose Rodriguez to provide him the original Employee Notification of Complaint, Professional Standards Case number 2017-015. I had Officer J. Rodriguez read the complaint and ask me questions. I answered Officer J. Rodriguez's questions on how the internal investigation would be conducted. Officer J. Rodriguez signed the form to acknowledge receipt and was given a copy of the Notice of Complaint form.

I then notified Director Blouin, who informed Officer J. Rodriguez that he was being placed on administrative leave effective immediately. Director Blouin handed the Personnel Order (01-17) to Officer J. Rodriguez. Officer J. Rodriguez signed the Administrative Leave Personnel Order and was given copy.

I confiscated both of Officer J. Rodriguez's department issued guns, along with his police radio, police badges, police and town ID cards and access card. Officer J. Rodriguez's department issued pepper spray and Taser were left secured in his locker and removed at a later time by myself and Captain Caristo for safekeeping.

I informed Officer J. Rodriguez that if he needed to leave his residence between the hours of 9:00 am and 5:00 pm Monday through Friday, he would need to have his cellphone with him and answer calls from the Police Department promptly. If he had appointments he needed to attend, he would need to use sick or vacation time when attending these appointments.

INVESTIGATION AND INTERVIEWS

In conducting this assignment, I reviewed Officer J. Rodriguez's Human Resource file, which included his pre-employment background investigation, employment application, DD-214 military discharge paperwork Officer Rodriguez supplied during the background phase of his application, and other paperwork included in the file. I also reviewed the memorandum dated January 4, 2017 completed by Sergeant Dan Wilkinson (Sgt. Wilkinson), and Officer J. Rodriguez's pre-employment Psychological Exam. In addition, I reviewed Officer J. Rodriguez's DD-214 discharge papers provided to me by the United States Marine Corps. I interviewed the following witnesses: [REDACTED] Detective Menniti, Sgt. Wilkinson,

██████████ and Vivian Renner. I did not interview Officer J. Rodriguez as he refused to give a statement regarding this investigation.

INVESTIGATION

Memorandum of January 4, 2017: (tab C)

On January 4, 2017 I reviewed a memorandum from Sgt. Dan Wilkinson dated January 4, 2017. Sgt. Wilkinson wrote that on December 30, 2016 at approximately 1200 hours, he was contacted by ██████████ Officer J. Rodriguez's former domestic partner. ██████████ advised Sgt. Wilkinson that she is living in fear of Officer J. Rodriguez and wished to report his actions.

Sgt. Wilkinson's memorandum states that on December 30, 2016, he conducted a videotaped interview with ██████████ at the Palm Beach Police Department. ██████████ advised Sgt. Wilkinson that she is living in fear of Officer J. Rodriguez and, for the past seven years, she has endured continued mental and verbal abuse from Officer J. Rodriguez. ██████████ stated that when she discovered that Officer J. Rodriguez had been seeing another woman, she decided end their relationship. ██████████ stated that she is physically intimidated by Officer J. Rodriguez due to their difference in size, and his increasingly irrational behavior. According to ██████████ the irrational behavior includes the following:

- Officer J. Rodriguez contacts her every day, and although she has blocked his calls, he calls her friends and children in an effort to reach her.
- While traveling to Orlando to visit her daughter, ██████████ stated that Officer J. Rodriguez called her approximately 132 times in an attempt to speak with her.
- ██████████ describes Officer J. Rodriguez as a severe alcoholic, who loses control of his actions when he drinks, and once after returning home, he randomly waved his gun around the room and at her. ██████████ stated that the next morning, Officer J. Rodriguez was unable to recall the incident.
- ██████████ stated that she once observed Officer J. Rodriguez drinking tequila and inhaling the contents of a can of "Dust-Off". ██████████ stated that that when she asked Officer J. Rodriguez what he was doing, Officer J. Rodriguez said "it is going to make you feel good". ██████████ stated that after inhaling the contents of the can of "Dust-Off", Officer J. Rodriguez's eyes roll into the back of his head, his body collapse on the bed and he began to have a seizure. ██████████ stated that after Officer J. Rodriguez regained consciousness, he inhaled the contents of the can "Dust-Off" again and attempted to have sex with her, which she declined.

██████████ went on to state that "Jose should not be a cop" because of a domestic altercation he was involved in with her daughter, ██████████ in 2013. ██████████ also stated that Officer J. Rodriguez was discharged from the Marine's due to marijuana use.

Sgt. Wilkinson also conducted a videotaped interview with [REDACTED] son. [REDACTED] stated that he has never witnesses Officer J. Rodriguez strike his mother, but he has witnesses him repeatedly curse at his mother and recalls one time when he had to intervene on his mother's behalf to defend her. [REDACTED] began to cry while being interview by Sgt. Wilkinson, and advised Sgt. Wilkinson that he did not want Officer J. Rodriguez to hurt him or his mother.

Sworn Statement [REDACTED] (tab F)

On January 6, 2017 I took a sworn statement from [REDACTED]. [REDACTED] stated that she was Officer J. Rodriguez's domestic partner for almost seven years, and that she moved out of the apartment they shared when their relationship ended in December of 2016. [REDACTED] stated that she ended their relationship because she had been living in fear for the past seven years and was "basically a prisoner in her own home." [REDACTED] stated that she was able to move freely in life, but anytime she did anything, Officer J. Rodriguez called her every other second, and if she did not answer her phone, he sent her a text message demanding that she call him. I asked [REDACTED] why she did not end the relationship sooner. She said because Officer J. Rodriguez said that he would come after her and her family, and she was in fear for their safety. [REDACTED] stated that since the relationship has ended the, Officer J. Rodriguez continues to call and harass her.

I asked [REDACTED] if Officer J. Rodriguez ever discussed his previous military service with her. [REDACTED] stated that the only thing Officer J. Rodriguez mentioned was that he had a confrontation with a captain when he was in the service. [REDACTED] stated that she advised Officer J. Rodriguez that she knew a military recruiter who could help him get back into the military if he wanted. [REDACTED] stated that Officer J. Rodriguez never told her why he was discharged from the Marines, but the military recruiter who she had asked to help Officer J. Rodriguez get back into the service told her that Officer J. Rodriguez was discharged from the Marine Corps due to the possession of marijuana. [REDACTED] stated that she never confronted Officer J. Rodriguez with the information she received.

I asked [REDACTED] if she knew of any other police departments Officer J. Rodriguez had applied to after graduating from the police academy. [REDACTED] stated that Officer J. Rodriguez applied to the Altamonte Springs and Sanford Police departments as well several police departments on the west coast of Florida and in the Miami area. [REDACTED] stated that Officer J. Rodriguez was denied employment from at least one police department due to a domestic altercation Officer J. Rodriguez had with her daughter, [REDACTED] in 2013 and he blamed [REDACTED] for not getting hired.

[REDACTED] stated that the incident between Officer J. Rodriguez, and her daughter was the result of an argument between the two of them. According to a Seminole County Sheriff's Office report (# 2013CJ001651), [REDACTED] and Officer J. Rodriguez were arguing about [REDACTED] cell phone and when [REDACTED] refused to give her cell phone to Officer J. Rodriguez, he grabbed her by the arms and removed her from the room. The incident report completed by the Seminole County Sheriff's Office stated that altercation between [REDACTED] and Officer J. Rodriguez left bruises on her upper right arm. Although no criminal charges were filed against Officer J. Rodriguez, the Abuse Hotline was contacted. [REDACTED] stated that the Department of Children

Family Services(DCF) conducted a home check to provide guidance, but she does not think there was any further follow-up.

I asked [REDACTED] if Officer J. Rodriguez ever struck her or did anything to her against her will. [REDACTED] stated that Officer J. Rodriguez never struck her, but he is a heavy drinker and one time after drinking, he forced her to have sexual intercourse with him against her will. [REDACTED] stated that later, Officer J. Rodriguez could not remember anything. I asked [REDACTED] if there were any other times when Officer J. Rodriguez forced himself on her. [REDACTED] stated that a couple of months ago, Officer J. Rodriguez arrived home from work, at approximately 730 am with a bottle of tequila that was almost empty, smelling of alcohol. [REDACTED] stated that shortly after arriving home, Officer J. Rodriguez left and later returned with a can of Dust-Off. [REDACTED] stated that after Officer J. Rodriguez returned home, he entered their bedroom naked and wasted. [REDACTED] stated that he started to push her and tried to have sex with her.

[REDACTED] stated that Officer J. Rodriguez then put the can of Dust-Off to his mouth, and his eyes rolled back into his head, his veins started popping out and he dropped to the floor and had a seizure. [REDACTED] stated that after Officer Rodriguez passed out, she took a photo of him on their bed naked. The photo showed Officer J. Rodriguez lying face down on a bed, naked, with his upper body on the bed and his lower body on the floor. [REDACTED] stated that after approximately two minutes, Officer J. Rodriguez got up from the floor and attempted to force her to have sex with him. [REDACTED] stated that later that night, Officer J. Rodriguez called her to apologize. [REDACTED] stated that she told Officer Rodriguez that she felt disgusted and sick and that he needed to find help. Officer J. Rodriguez asked her to delete the photo she took of him. [REDACTED] stated that she deleted it, but she saved a back-up of the photo on her phone. [REDACTED] stated that she did not report any of the incidences to the police.

[REDACTED] stated that since the relationship has ended she is fearful for her safety, and has filed a harassing phone calls report with the West Palm Beach Police Department.

Sworn Statement Detective Lawrence Menniti (tab H)

On January 9, 2017 I took a sworn statement from Detective Lawrence Menniti. Detective Menniti advised me that he conducted Officer J. Rodriguez's pre-employment background investigation.

I asked Detective Menniti if there were any issues, or concerns when he completed Officer J. Rodriguez's background investigation. Detective Menniti stated that there were some questions regarding Officer J. Rodriguez's discharge from the military. Detective Menniti stated that according to the Certificate of Release of Discharge from Active Duty form (DD-214) Officer J. Rodriguez submitted, the "Type of Separation" was documented as "Entry Level Separation." The "Narrative Reason for Separation" was documented as "Fraudulent Entry into Military Service" and the "Reason," was stated as "Moral, open court speeding ticket."

When questioned about the discharge, Officer J. Rodriguez advised Detective Menniti that he had an outstanding issue with the courts pertaining to his license and was discharged in order to address those issues. Officer J. Rodriguez stated that he was eligible to return to the Marines, but

did not do so because he would have had to start basic training over from the beginning, which was something he was not willing to do.

I asked Detective Menniti if Officer J. Rodriguez provided any paperwork other than his DD-214 which would indicate the reason for his separation from the Marines. Detective Menniti stated that he did not. Detective Menniti stated that Officer J. Rodriguez never told him that he been discharged from the Marines for an open court date for possession of marijuana.

I asked Detective Menniti if he read Officer J. Rodriguez's pre-employment psychological exam. Detective Menniti stated that he did look at Officer J. Rodriguez's psychological exam, but he was not allowed to take it out of the Deputy Chief's office and he did not make copies nor take any notes when he reviewed it.

Sworn Statement of Sergeant Dan Wilkinson (tab I)

On January 17, 2017 I took a sworn statement from Sergeant(Sgt.) Dan Wilkinson. I asked Sgt. Wilkinson if [REDACTED] Officer J. Rodriguez's former Domestic Partner contacted him regarding concerns she had with Officer J. Rodriguez. Sgt. Wilkinson advised me that [REDACTED] initially contacted him by phone on December 30, 2016 regarding Officer J. Rodriguez. During the phone conversation, [REDACTED] told Sgt. Wilkinson that Officer J. Rodriguez's behavior was becoming more and more irrational and that she was living in fear. Sgt. Wilkinson state that as [REDACTED] spoke with him her voice was trembling.

During the initial phone conversation with Sgt. Wilkinson, [REDACTED] advised Sgt. Wilkinson that one day after Officer J. Rodriguez returned home from work, she witnessed him inhaled the contents of a can of "Dust-Off", (a product that uses compressed air to clean computer key boards). [REDACTED] advised Sgt. Wilkinson that after inhaling the compressed air, Officer J. Rodriguez's eyes rolled back into his head and he collapsed on to the bed and began to have a seizure. [REDACTED] stated that in the past, Officer J. Rodriguez has suffered seizure after drinking too much. [REDACTED] advised Sgt. Wilkinson that on another occasion, after Officer J. Rodriguez had been drinking, he came home and waved his gun around their apartment and pointed at her. [REDACTED] also advised Sgt. Wilkinson that Officer J. Rodriguez was involved in a domestic altercation with her daughter [REDACTED] a few years ago, which left redness on [REDACTED] arms and shoulders. [REDACTED] stated that the police were contacted and a police report was completed, but there were no charges filed.

Sgt. Wilkinson stated that [REDACTED] came in to the police department later in the day and gave him a videotaped statement reiterated what she told him on the phone. Sgt. Wilkinson went on to say that during the videotaped interview [REDACTED] was visibly shaken, with a disheveled appearance.

I asked Sgt. Wilkinson if he had any further contact with [REDACTED] Sgt. Wilkinson stated that [REDACTED] has contacted him by phone twice after their initial meeting. The first time was as she was returning from Orlando where her daughter lives and the second phone call was a few days before our interview. Sgt. Wilkinson stated that during the first phone call, [REDACTED] advised him that before moving to Florida with Officer J. Rodriguez, he physically assaulted her. Sgt.

Wilkinson stated that [REDACTED] used the word "rape" when describing the assault. [REDACTED] advised Sgt. Wilkinson that Officer J. Rodriguez physically intimidates her and that she did not report the assault because she did not know who to tell or where to turn. Sgt. Wilkinson went on to described [REDACTED] as a very timid, small in stature person.

The second time [REDACTED] contacted Sgt. Wilkinson, she advised him that she had travelled to Orlando to tell her daughter what was going on between her, and Officer J. Rodriguez. [REDACTED] told Sgt. Wilkinson that when she asked her daughter [REDACTED] if Officer J. Rodriguez had ever touched her (other than the domestic altercation that was reported), [REDACTED] turned around, face the floor and began to cry without saying a word. I asked Sgt. Wilkinson if he could remember anything else he [REDACTED] spoke about either on the phone or during the videotaped interview. Sgt. Wilkinson stated that he and [REDACTED] also spoke about Officer J. Rodriguez being discharged from the Marines for marijuana usage and that he was unable to get back into the military because of it.

Sworn Statement [REDACTED] (tab G)

On January 25, 2017 I took a sworn statement from [REDACTED] over the phone. [REDACTED] is [REDACTED] daughter and is not related to Officer J. Rodriguez. [REDACTED] stated that she has known Officer J. Rodriguez for approximately 7 years. I asked [REDACTED] Rodriguez to explain the domestic altercation she and Officer J. Rodriguez had in 2013. [REDACTED] stated Officer J. Rodriguez was taking her brother's television away from him, and when her brother became upset, she said something, which led to the physical altercation. [REDACTED] state that as a result of the physical altercation, she suffered bruises to her arms. [REDACTED] stated that the next day, while at school, an R.O.T.C. teacher noticed the bruises on her arms and notified the police. [REDACTED] stated that a police report was completed, but no charges were filed.

I asked [REDACTED] if the Department of Children and Family Services was contacted. [REDACTED] advised me that they responded to the house one time to provide counselling. I asked [REDACTED] if Officer J. Rodriguez ever struck, or hit her brother or mother. [REDACTED] stated no. [REDACTED] stated that although she and Officer J. Rodriguez argued constantly, he never touched her in an inappropriate manner.

I asked [REDACTED] if she ever witnessed Officer J. Rodriguez use any illegal drugs. [REDACTED] stated that approximately six years ago, when she lived with Officer J. Rodriguez and her mother in Georgia, she witnessed him use cocaine several times. [REDACTED] stated that she first noticed that Officer J. Rodriguez would use cocaine when he drank alcohol. [REDACTED] further stated that when they lived in Orlando, her cousin told her that he saw Officer J. Rodriguez purchased cocaine. [REDACTED] stated that her cousin is currently in the military and would not be able to speak to me. [REDACTED] stated that she does not know if her mother knew about Officer J. Rodriguez's cocaine habit.

Sworn Statement of Vivian Renner (tab J)

On January 26, 2017 I took a sworn statement from Vivian Renner at Officer J. Rodriguez's request. Ms. Renner advised me that she is a massage therapist, and Officer J. Rodriguez and [REDACTED] are clients of hers. Ms. Renner stated that [REDACTED] confided in her several months ago that she was unhappy in her relationship with Officer J. Rodriguez and felt that being a police officer was a dead-end job. Ms. Renner stated that [REDACTED] wanted Officer J. Rodriguez to find a career in which he could go further. Ms. Renner stated that she told [REDACTED] that if she was unhappy, she should find someone that made her happy. Ms. Renner stated that [REDACTED] told her that she made Officer J. Rodriguez who he is and that she could destroy him. Ms. Renner could not elaborate what [REDACTED] meant when she said she could destroy Officer J. Rodriguez and did not have any further information to add.

Sworn Statement of Office J. Rodriguez (tab K)

On January 30, 2017 I issued Officer J. Rodriguez a Notice of Intent of Interview. On February 1, 2017 Officer J. Rodriguez's Attorney, Lawrence Fagan advised the Town's Attorney that Officer J. Rodriguez would not be giving a statement. The Town's attorney advised Mr. Fagan that Officer J. Rodriguez has been ordered to report to answer questions as part of the investigation. Mr. Fagan advised the Town's attorney that Officer J. Rodriguez would not be giving a statement.

I also sent Officer J. Rodriguez an email ordering him to appear before me for the purpose of being questioned as a part of an official investigation of the Palm Beach Police Department, and if he refused to testify or answer questions, he would be subject to departmental charges which could result in his dismissal. I also forward Officer J. Rodriguez a copy of the Garrity Rights Form for his review. Mr. Fagan responded to me my email on behalf of Officer J. Rodriguez and advised me that Officer J. Rodriguez would not be giving a statement.

Officer J. Rodriguez's Psychological Exam (tab M)

In reviewing Officer J. Rodriguez's pre-employment Psychological Exam, I discovered several question on the exam in which it appears Officer J. Rodriguez was not truthful. These are as follows:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- [REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

Seminole County Sheriff Office Report # 2013CJ001651 – Domestic Disturbance (tab L)

On February 11, 2013 the Seminole County Sheriff's Officer responded to the Winter Springs High School regarding a delayed domestic disturbance between [REDACTED] and Officer J. Rodriguez. [REDACTED] stated in the report that Officer J. Rodriguez grabbed her by the arms and removed her from a room they were in because she would not give him her cell phone. [REDACTED] stated that the incident left a bruise on her upper right arm which was starting to disappear. Deputy Eveleth stated in his report that he contacted [REDACTED] who stated that she had no issues with the discipline her daughter [REDACTED] received. Deputy Eveleth further stated that he notified the Abuse Hotline and spoke with operator Allen, #59.

DCF Report (tab L)

On January 17, 2017 I contacted the Department of Children and Family Services(DCF) and confirmed that their agency conducted an investigation regarding the altercation between Officer J. Rodriguez and [REDACTED]

On February 7, 2017 I received an email from Shana Sullivan advising me that I needed to contact Yusef A. Cutliff, the Records Custodian for Circuits 9 & 18 to request a DCF report. I phoned Mr. Cutliff and received a recorded message advising me that I needed to file a request online which I did.

On February 8, 2017 I requested and received a copy of the DCF report (2013-041179-01)

DCF Protective Investigator Jaclyn H. Hordern responded and reported that [REDACTED] did have a bruise under her arm which appeared to be from Officer J. Rodriguez but appeared to be from disciplinary actions as [REDACTED] was not leaving the room as she was asked to. DCF Protective Investigator Jaclyn H. Hordern found that the current and long term risks as it related to the current allegations and associated finds as low and no further services were needed. Officer J. Rodriguez was not interviewed as part of the investigation.

Officer J. Rodriguez's Psychological Exam – Previous applications to other police departments (tab M)

[REDACTED]

[REDACTED]

[REDACTED]

Employment Applications Officer J. Rodriguez completed with other Police Departments (tab V)

Instructions for completing the Town of Palm Beach Personal History Questionnaire for Police Only advises on page 3, question 4 that the if space available is insufficient, use a separate sheet of 8 ½ x 11 paper and precede each answer with a number of the reference block.

Question 19 of the employment section of the applications specifically asks if the applicant had previously submitted an application for employment with the Palm Beach Police Department, or if the applicant had ever applied to, or performed paid or unpaid services for a law enforcement agency not listed below as an employer.

Officer J. Rodriguez wrote that he applied to the Palm Bay Police Department in August of 2013, The Miami Police Department in August of 2013, The Miami Beach Police Department in July of 2013 and the Boynton Beach Police Department in August of 2013. Through my investigation, I discovered that Officer Rodriguez had also applied to the Altamont Springs Police Department, Seminole County Sheriff's Office, University of Central Florida Police Department, North Port Police Department, and the Ormond Beach Police Department. Officer J. Rodriguez failed to list that he had applied to these police departments on his Town of Palm Beach employment application.

I contacted the Altamont Springs Police Department and was advised that Officer J. Rodriguez notified them on January 13, 2014 that he had accepted a position with another police department. Altamont Springs Police Department forwarded me a copy of the employment application Officer J. Rodriguez completed with their department.

I contacted the Seminole County Sheriff's Office and was advised that Officer J. Rodriguez's application was inactivated on December 9, 2013 for failing to provide requested information pertaining to possession of marijuana charges in 2005. The Seminole County Sheriff's Office sent me a copy of the employment application Officer J. Rodriguez completed with their department. Although Officer J. Rodriguez did not provide the information requested pertaining to the possession of marijuana charges in 2005, he did send Shelly West, a Human Resource Assistant with the Seminole County Sheriff's Office an email explaining his Entry Level Separation from the Marine Corps. Officer J. Rodriguez wrote to Ms. West that he received a speeding ticket a couple of weeks prior to the start basic training, and even though he addressed the speeding ticket before entering the Marine Corp, and informed the Marine Corp of the speeding ticket, the speeding ticket had not been cleared from his driving record and he was sent home to resolve the issue. Officer J. Rodriguez wrote in his email to Ms. West that once he resolved the speeding ticket issue, he reported back to his recruiter and was informed that he would have to start basic training over from day one, which is something he was not willing to do and chose to serve his country in a different manner.

A review of the Seminole County Sheriff's Office Application indicated that Officer J. Rodriguez also applied to the University of Central Florida Police Department, North Port Police Department, and Ormond Beach Police Department. Officer J. Rodriguez failed to list that he had applied to these police departments on his Town of Palm Beach employment application.

On February 7, 2017 I contacted the Human Resource Department at the Ormond Beach Police Department who verified that Officer J. Rodriguez applied to their department on June 25, 2013. I was advised that Officer J. Rodriguez was sent a letter on July 26, 2013 that he had not been selected to continue in the hiring process as they had selected candidates that more closely met their criteria. A copy of the application was emailed to me and added to the investigative file.

I also contacted the Palm Bay Police Department, Miami Police Department, Miami Beach Police Department, Boynton Beach Police Department, University of Central Florida Police Department, North Port Police Department. At the time of this report I have been unable obtain copies of the applications Officer J. Rodriguez submitted to these agencies.

Officer J. Rodriguez's Military History question on psychological exam (tab M)

- [REDACTED]

Pre-employment application questionnaire -- Discharge from Active Duty (DD-214) form

[REDACTED]

The second page of the military discharge paperwork Officer J. Rodriguez provided during background process lists the reason as "moral, open court speeding ticket." When asked by Detective Menniti to explain what an entry level separation is, Officer J. Rodriguez stated that he had an outstanding speeding ticket that he had to clear up and was discharged for that reason.

On January 4, 2017 I asked Officer J. Rodriguez to scan and email me a copy of his military DD-214 discharge paperwork. When I received the requested DD-214 discharge paperwork (five pages total) I noticed that the first two pages were in the name of Tony Allen Jewett. The third, fourth and fifth pages were in the name of Officer J. Rodriguez. The fourth page listed the reason for discharge from the Marine Corps as "moral, open court speeding ticket." The fifth page, which was not supplied to Detective Menniti during the background investigation, listed the specific basis for being recommended for an administrative discharge as fraudulent pre-service undisclosed police involvement and fraudulent entry.

I notified Officer J. Rodriguez that the first two pages of the DD-214 he sent me via email were in the name of Tony Allen Jewett. Officer Rodriguez stated that he did not know Mr. Jewett and did not know why he had a copy of his DD-214 discharge paperwork. Officer J. Rodriguez advised me that he would immediately email me the correct DD-214 paperwork in his name.

When I received the DD-214 paperwork in Officer J. Rodriguez's name, I immediately noticed that the space for the Narrative Reason for Separation section on his DD-214 was blank. The new DD-214 paperwork did not include the words "Fraudulent Entry into Military Service." The DD-214 paperwork Officer J. Rodriguez had previously supplied to Detective Menniti during the background process did include the words "Fraudulent Entry into Military Service" in the Narrative Reason for separation section of his DD-214.

Instead of questioning Officer J. Rodriguez about the discrepancies between the paperwork he emailed to me and the paperwork he provided to Detective Menniti, I ask that he hand deliver copies of his DD-214 discharge paperwork to me.

On January 5, 2017 Officer J. Rodriguez complied with my request and delivered his DD-214 military discharge paperwork. The Narrative Reason for Separation section was blank and did not include the words "Fraudulent Entry into Military Service." I advised Officer J. Rodriguez that there were discrepancies between the DD-214 discharge paperwork he previously provided Detective Menniti during the background investigation and the DD214 discharge paperwork he was now providing me. I advised him that due to the discrepancies, I would like to obtain a copy of his DD-214 discharge paper work directly from the Marine Corp. In order to do that, I told him I would need him to sign a SG 180 form authorizing the release of his Marine Corp records to me. Officer J. Rodriguez agreed and sign the paperwork authorizing the Marine Corp to release his DD-214 discharge paperwork to me.

On January 5, 2017 I received a copy of Officer J. Rodriguez DD-214 discharge paperwork from the Marine Corp. In the Narrative Reason for Separation section of the DD214 discharge paperwork from the Marine Corp the words "Fraudulent Entry into the Military Service" was written and the reason was stated as "moral-open court for possession of marijuana." It is apparent that the DD-214 discharge paperwork Officer J. Rodriguez provided to Detective Menniti (and later to me) had been altered to read that he was discharged from the Marine Corp

for an “open court speeding ticket” and not for “open court for possession of marijuana.” Furthermore, the DD-214 discharge paperwork obtain from the Marine Corp indicated that the RLS and Recruit Evaluation Card were enclosed, whereas to the DD-214 discharge paperwork Officer J. Rodriguez provided to the Town did not include this information. The DD-214 discharge paperwork Officer J. Rodriguez submitted to me did not have check marks in the boxes in front of the RLS and Recruit Evaluation Card boxes. This omission would lead the reader to believe that there were not RLS and Recruitment Evaluations Cards as part of the records. Upon closer inspection of the DD-214 discharge paperwork Officer J. Rodriguez provided, it is evident that these two boxes had been altered to make it appear that they were not checked off.

As I continued reviewing the DD-214 report that I received from the Marine Corp, I read a voluntary statement Officer J. Rodriguez provided to the Marine Corp. Officer J. Rodriguez’s admitted to being arrested seven times, six times for a suspended license, traffic violations, and not appearing in court and once for possession of marijuana, which was still pending at the time of his entry in to the Marine Corp.

The RLS statement, which was included in the DD-214 discharge paperwork form the military, listed Officer J. Rodriguez’s drug charge. The RLS document was never provided to Detective Menniti by Officer J. Rodriguez during the background investigation. The recruit evaluation report which Officer J. Rodriguez also failed to supply to Detective Menniti during the employment background phase had several negative comments. These comments included: recruit abuse, apathetic attitude towards recruit training, making belligerent facial expressions, lack of respect towards authority, disrespectful attitude towards drill instructors, belligerent towards platoon drill instructor, and blatant disrespect towards his drill instructor.

Training:

Officer J. Rodriguez was hired by the Palm Beach Police Department on January 13, 2014. Officer J. Rodriguez graduated from the Police Academy at Valencia College and has earned several advanced training certificates since becoming a certified police officer, some of which are, Speed Measurements, Narcotics and Dangerous Drugs, and Advanced Report Writing.

Video and Audio Taped Interviews: (tab u)

FINDINGS OF FACT

Officer J. Rodriguez altered his DD-214 discharge paperwork and withheld pages associated with his DD-214 discharge paperwork to conceal the reason for discharge and to otherwise conceal other negative information and comments about him.

Officer J. Rodriguez presented the altered DD-214 during the background phase of the employment process with the Town of Palm Beach and to me during the investigation.

Officer J. Rodriguez did not disclose all police department to which he had applied on the Town of Palm Beach employment application as required.

Officer J. Rodriguez omitted the domestic violence incidents and omitted his military service from his answers to the psychological examination.

When order by me to provide a statement under Garrity protection, Officer J. Rodriguez refused.

CONCLUSION

Based upon the foregoing factual findings, I have concluded that Officer J. Rodriguez has violated the following standards:

Count 1

Town of Palm Beach Employee Personnel Manual

Section 6-6: CAUSES FOR DISCIPLINARY ACTION, INCLUDING DISCHARGE, SUSPENSION OR DEMOTION

Examples of conduct or offenses which constitute cause for discipline, including demotion, suspension and discharge are listed below. This list of conduct or offenses does not include every possible offense. Other conduct or offenses may constitute cause for discipline. Departmental policy and procedure manuals may also include causes for which disciplinary action may be taken.

* * *

c. The employee has violated the provisions of this manual, departmental policy and procedures, the Town's Administrative Policies, the information Systems Security Policy, or any other approved rules and regulations of The Town of Palm Beach.

d. The employee has engaged in conduct unbecoming of an officer or employee of the Town either on or off duty.

e. The employee has failed to obey any proper and lawful order or directive given by a superior, or has otherwise been insubordinate.

* * *

k. The employee has falsified any document used with regards to the employee's application for employment, employee benefits, and/or any action affecting the employee's status or employment with the Town.

General Orders:

Count 2

Town of Palm Beach Police Dept. G.O. IV-4, III 49

49. Ethics (code of), public officers and employees- Police department personnel shall strictly adhere to the code of ethics for public officers and employees, and shall not violate the Code of Ethics for police officers and employees' Oath of Loyalty as set forth in Florida Law.

Count 3

Town of Palm Beach Police Dept. G.O. IV-4, III 54

54. Falsification, official documents- Police department personnel shall not falsify or knowingly cause another to falsify any official record or document.

Count 4

Town of Palm Beach Police Dept. G.O. IV-4, III 82

82. Orders, refusal to comply with direct order of a Superior-Police department personnel shall comply with the direct orders or instructions given by a supervisor or superior officer, and shall not refuse to comply when such orders or instructions are lawful and proper.

Count 5

Town of Palm Beach Police Dept. G.O. IV-4, III 109

109. Untruthfulness. Police department personnel shall not knowingly make false or untrue statements except as authorized in the performance of duties and as necessary for maintaining covert operations during investigation of criminal activities.

Count 6

Town of Palm Beach Police Dept. G.O. IV-4, III 110

110. Untruthfulness. Official proceeding (Not Under Oath)-Police department personnel shall not knowingly make false statements to a supervisor or to any official of a government agency during an official proceeding of a government agency even though such statements are not made under oath.

I, Lt. Joseph Guelli, the undersigned, do hereby swear, under penalty of perjury, that to the best of my personal knowledge, information, and belief, I have not knowingly or willfully deprived, or allowed another to deprive, the subject of the investigation of any of the rights contained in ss.112.532 and 112.533, Florida Statutes.

February 23,2017


Lieutenant Joseph Guelli